

Message Text

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ACTION ARA-10

INFO OCT-01 ISO-00 EUR-12 CIAE-00 DODE-00 PM-04 H-01
INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02
SS-15 NSCE-00 SSO-00 USIE-00 INRE-00 DHA-02
ACDA-07 TRSE-00 /071 W
-----012316Z 018788 /14

O R 012200Z APR 77
FM AMEMBASSY BRASILIA
TO SECSTATE WASHDC IMMEDIATE 871
INFO AMEMBASSY ASUNCION
AMEMBASSY BUENOS AIRES
AMEMBASSY BONN
AMEMBASSY MONTEVIDEOH
AMCONSUL RIO DE JANEIRO
AMCONSUL SAO PAULO

C O N F I D E N T I A L SECTION 1 OF 2 BRASILIA 2582

DEPT PASS USIA/VOA

E.O. 11652: GDS
TAGS: PGOV, BR
SUBJ: GOVERNMENT-MDB CONFRONTATION OVER JUDICIARY BILL

REF: BRASILIA 2481 (NOTAL)

1. SUMMARY: IN WAKE OF CONGRESS' FAILURE TO PASS CONTROVERSIAL
JUDICIAL REFORM CONSTITUTIONAL AMENDMENT BY NEEDED
TWO-THIRDS MARCH 30, PRESIDENT HAS RECESSED CONGRESS AND
NATION IS TENSE AND EXPECTING FURTHER EXTRAORDINARY
ACTS AND POLITICAL CHANGES. PRESIDENT, WHO WILL
ADDRESS NATION IN EVENING OF APRIL 1, ATTACKED
MDB FOR OBSTRUCTION DURING MARCH 31 CEREMONIES COMMEMORATING
THIRTEENTH ANNIVERSARY OF REVOLUTION. SENIOR GOVERNMENT AND
ARENA OFFICIALS HAVE JOINED ATTACK AND INDICATED PRESIDENT
WILL SHORTLY ACT. PRESS HAS LONG LIST OF POSSIBLE
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EXTRAORDINARY MEASURES WHICH ARE BEING RUMORED
IN CAPITAL. PRESS INDICATES CONCERN IN ITAMARATY THAT
EXTRAORDINARY PRESIDENTIAL ACT WILL DAMAGE GOB
IMAGE ABROAD, PARTICULARLY IN US AND OTHER
COUNTRIES HIGHLY SENSITIVE TO HUMAN RIGHTS CONDITIONS.
END SUMMARY.

2. USING EXCEPTIONAL MEASURES, GOVERNMENT ISSUED DECREE MORNING OF APRIL 1 RECESSING CONGRESS FOLLOWING MDB'S BLOCKAGE OF GOVERNMENT-SPONSORED JUDICIAL REFORM BILL. GOVERNMENT AND MDB REACHED IMPASSE (REFTEL) MARCH 30 AFTER MDB HELD PARTY DISCIPLINE TO PREVENT ARENA FROM OBTAINING TWO-THIRDS VOTE (283 VOTES) OF ASSEMBLY AND SENATE NECESSARY TO PASS GOVERNMENT'S JUDICIARY REFORM CONSTITUTIONAL AMENDMENT. ARENA MEASURE FELL SHORT BY 42 VOTES WITH 241 VOTING FOR AND 156 AGAINST, SPLITTING ALONG PARTY LINES. MDB'S VICTORY IN VOTING RECEIVED STANDING OVATION FROM PACKED CONGRESSIONAL GALLERY.

3. CAPITAL IS TENSE IN WAKE OF GOVERNMENT PARLIAMENTARY DEFEAT WITH PUBLIC'S ATTENTION NOW ON OTHER RESULTS OF NATIONAL SECURITY COUNCIL MEETING CALLED BY PRESIDENT EARLY APRIL 1 WHICH EXPECTED TO BE ANNOUNCED IN SPEECH SCHEDULED FOR 2000 HOURS APRIL 1. CENSORSHIP WAS IMPOSED ON ELECTRONIC MEDIA MARCH 30, AND THEY HAVE BEEN RESTRICTED TO ANNOUNCEMENT OF GOVERNMENT COMMUNIQUE. PRESS HAD FRONT-PAGED CONFRONTATION AND RUMORS ARE RAMPANT ABOUT SCOPE OF POSSIBLE PRESIDENTIAL ACTIONS.

4. PRESIDENT INDICATED MARCH 31 IN ADDRESS ON OCCASION OF THIRTEENTH ANNIVERSARY OF REVOLUTION (SEPTTEL) THAT HE WOULD PRESS ON WITH "REFORMS." PRESIDENT TOOK MDB AUTENTICOS TO TASK BY REFERRING TO THEM IN SPEECH AS A MINORITY IN CONGRESS THAT "TRANSFORMED CONFIDENTIAL

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ITSELF INTO A DICTATORSHIP" TO BLOCK JUDICIAL REFORM. PRESIDENT CLAIMED THAT IT WAS NOT GOVERNMENT BUT BRAZILIAN PEOPLE WHO WERE HURT BY MDB. OMINOUSLY, HE ADDED, "I SWEAR TO YOU THAT THIS NEW SYSTEM OF JUSTICE WILL BE ACCOMPLISHED."

5. PRESIDENT'S FIRMNESS WAS COMPLEMENTED BY STATEMENTS EMANATING FROM ARENA NATIONAL DIRECTORATE MEETING MARCH 31 ATTENDED BY PRESIDENTIAL ADVISER GOLBERY, MINISTERS BRAGA AND FALCAO. FALCAO ON BEHALF OF THE PRESIDENT PRAISED ARENA FOR ITS UNITY ON THE MEASURE AND ENDORSED COMMENTS BY SENATOR JARBAS PASSARINHO, WHO OFTEN REPRESENTS MILITARY VIEW IN CONGRESS AND WHO SAID "THE REVOLUTION IS READY TO RESPOND TO THE PROVOCATIONS AND CERTAINLY WILL." PASSARINHO ADDED, "THE TEMPORARY SACRIFICE OF SOME PREROGATIVES IS SOMETIMES THE LOWEST PRICE WE HAVE TO PAY FOR FIDELITY TO A COURSE THAT IS GOOD FOR BRAZIL." SIMILARLY, ARENA NATIONAL PRESIDENT FRANCELINO PEREIRA SAID THAT COUNTRY WOULD NOT BE

DICTATED TO BY "A RADICAL MINORITY ENTRENCHED IN THE MDB." HIGH MILITARY SOURCES WERE QUOTED IN PRESS MARCH 31 AS SAYING "SOMETHING WILL HAPPEN" IN RESPONSE TO MDB OBSTRUCTION.

6. PRESS IS NOW SPECULATING THAT FOLLOWING MEASURES OR MIXES THEREOF ARE POSSIBLE RESPONSES BY THE PRESIDENT IN ADDITION TO CONGRESSIONAL RECESS:
(A) CASSATIONS OF 20-25 CONGRESSMEN, INCLUDING PROMINENT MDB SENATORS PAULO BROSSARD, LEITE CHAVES, MARCOS FREIRE, AND ARENA MAVERICK TEOTONIO VILELA PLUS MDB LEADERSHIP IN CHAMBER;
(B) REALIGNMENT OF POLITICAL PARTIES;
(C) IMPOSITION OF A UNICAMERAL SYSTEM;
(D) CREATION OF A CONSTITUENT ASSEMBLY WITH SIMPLE MAJORITY REQUIRED FOR PASSAGE OF LEGISLATION;
(E) JUDICIAL REFORM BY PRESIDENTIAL DECREE;
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(F) CREATION OF A COUNCIL OF STATE WITH EXTRAORDINARY REVOLUTIONARY POWERS;
(G) REIMPOSITION OF PRESS CENSORSHIP.

7. THERE IS EVIDENCE THAT CONS AGAINST PRECIPITOUS AND STRONG EXECUTIVE ACTION ARE BEING WEIGHED. ARENA SENATE LEADER REZENDE TOLD PRESS HE HAD REVIEWED DEBATES OVER JUDICIAL REFORM AND THAT HE HAD NOT FOUND "ANY DELINQUENT OR CONTENTIOUS PRONOUNCEMENT." REZENDE'S

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C O N F I D E N T I A L SECTION 2 OF 2 BRASILIA 2582

PUBLIC STATEMENT TENDS TO EXONERATE MDB AND SUGGEST THAT PRESIDENT SHOULD MITIGATE HIS REPRISAL. SIMILARLY, PRESS HAS CITED HIGH LEVEL GOB SOURCES AS STATING PRESIDENT, IN HANDLING CRISIS, WILL SEEK TO PRESERVE ROLE OF LEGISLATIVE BRANCH, INTERPRETING THESE COMMENTS AS SIGN THAT CLOSURE OF CONGRESS WILL BE BRIEF AND PUNITIVE ACTIONS AGAINST OPPOSITION WILL BE LIGHT.

8. JORNAL DO BRASIL MARCH 31 REPORTED BRAZILIAN DIPLOMATS FEARED EXTERNAL REPERCUSSIONS IF GOVERNMENT TOOK RESTRICTIVE ACTION AGAINST CONGRESS. DIPLOMATS THOUGHT INTERNAL POLITICAL CRISIS WOULD HAVE AN IMMEDIATE EFFECT ON RELATIONS WITH US AND OTHER COUNTRIES THAT RECENTLY CRITICIZED BRAZIL. ITAMARATY DIPLOMAT WAS QUOTED AS SAYING EXTRAORDINARY MEASURES "WILL PLAY INTO THE HANDS OF PRESIDENT CARTER." JORNAL ADDED THAT DIPLOMATS HAD INDICATED THAT ALL VERSIONS OF THE CARTER ADMINISTRATION'S HUMAN RIGHTS REPORT CONFIDENTIAL

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PRINTED IN BRAZIL NOTED THE INTERVENTION OF THE EXECUTIVE IN LEGISLATIVE AFFAIRS, AND THAT CONCEPT OF HUMAN RIGHTS ABUSES IN THE REPORT INVOLVED CASSATION AND OTHER EXCEPTIONAL EXECUTIVE ACTS. ALONG THIS LINE SENIOR EMBASSY BRAZILIAN EMPLOYEE OVERHEARD MDB SENATORS DISCUSSING STRATEGY MARCH 30, REGARDING MDB RESOLVE TO FACE DOWN GOVERNMENT ON JUDICIARY ISSUE. SENATORS THOUGHT OPPOSITION WOULD SUFFER NO RETALIATION BECAUSE GOVERNMENT WOULD BE CONCERNED ABOUT ITS IMAGE ON EVE OF IMPORTANT VISIT OF MINISTER OF FINANCE SIMONSEN TO US NEXT WEEK, AND ABOUT CREATING FURTHER PROBLEMS FOR FRG AND OTHER EUROPEAN GOVERNMENTS WHO ALREADY HAVE STRONG AND VOCAL OPPOSITION TO FRG-GOB NUCLEAR ACCORD. SIMONSEN'S PRESS SPOKESMAN LATER CONFIRMED TO SAME EMBASSY EMPLOYEE THAT MINISTER WAS INDEED WORRIED ABOUT GOVERNMENT'S RESPONSE TO MDB STANCE. AT SAME TIME, PRESS HAS REPORTED COMMENTS OF MILITARY SOURCES AND CONSERVATIVE SECTORS OF ARENA TO EFFECT THAT MDB'S SUCCESSFUL OPPOSITION TO REFORM WAS "UNPATRIOTIC," DIVISIVE ACT AT TIME GOVERNMENT NEEDS NATIONAL UNITY IN FACE OF FOREIGN PRESSURES ON

NUCLEAR ACCORD.

9. MDB AUTENTICO HUMAN RIGHTS ACTIVIST IN CONGRESS
AIRTON SOARES TOLD EMBOFF LATE MARCH 31 THAT PARTY
EXPECTED GEISEL TO PURSUE LINE THAT COUNTRY NEEDED
"REVOLUTION WITHIN REVOLUTION" TO PURGE BRAZIL OF
"DICTATORSHIP OF MINORITY (AUTENTICOS) WITHIN A MINORITY."
PRESIDENT PURSUED SIMILAR THEME IN SPEECH EARLIER
IN DAY COMMEMORATING REVOLUTION. SOARES EXPECTED TO BE
CASSATED, POSSIBLY IMPRISONED BECAUSE OF HIS ACTIVISM,
AND WAS CONSIDERING FLEEING BRAZIL. HE FORESAW NO
POPULAR REACTION AGAINST PRESIDENTIAL USE OF EXTRA-
ORDINARY POWERS BECAUSE MDB AT GRASS ROOTS WAS NOT
SUFFICIENTLY ORGANIZED TO GENERATE ONE. (COMMENT:
IF SOARES' VIEW IS REPRESENTATIVE OF AUTENTICOS, MDB CLEARLY
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EXPECTS THE WORST FROM GEISEL. END COMMENT).

10. LATE APRIL 1 EMBOFF LEARNED FROM ARENA DEPUTY
GERSON CAMATA, WHO HAD JUST TALKED WITH
CHAMBER LEADER JOSE BONIFACIO, (ALSO CONFIRMED BY ARENA DEPUTY
HERBERT LEVY) THAT RECESS WOULD LAST UNTIL APRIL 11, IN INTERIM,
ACCORDING TO CAMATA, JUDICIAL REFORM BILL WOULD BE DECREED BY
PRESIDENT AND FIFTEEN CONGRESSMEN WOULD BE PLACED UNDER
"OBSERVATION, BUT NOT CASSATED." CAMATA CLAIMED PRESIDENT HAD
STRUCK A DEAL WITH MILITARY HARDLINERS FOR
THEIR ACCEPTANCE OF MEASURES MENTIONED ABOVE
IN RETURN FOR PRESIDENTIAL AGREEMENT THAT
ELECTIONS WOULD BE INDIRECT IN 1978, AND THAT
ELECTORAL COLLEGE WOULD INCLUDE MAYORS THUS ASSURING
ARENA DOMINATION OF NEXT ELECTIONS.

11. COMMENT: VARIETY OF EMBASSY SOURCES INDICATE THAT
CONCERN OVER POSSIBLE NEGATIVE INTERNATIONAL
REPERCUSSIONS HAVE BEEN A MAJOR FACTOR SO FAR IN
GEISEL'S WEIGHING OF RESPONSES TO THE MDB'S OPPOSITION
AND HAS WORKED AGAINST ADOPTION OF HARSH, PUNITIVE
MEASURES SOUGHT BY SOME CONSERVATIVE SECTORS. IT IS
ALSO REPORTED THAT FOREIGN MINISTER SILVEIRA, IN
CONSULTATIONS YESTERDAY WITH PRESIDENT AND IN THIS
MORNING'S NATIONAL SECURITY COUNCIL MEETING, HAS
BEEN IMPORTANT ADVOCATE OF MODERATION BECAUSE OF
FOREIGN CONSIDERATIONS. GOVERNMENT CONCERN OVER
IMAGE ABROAD WAS FACTOR IN CHOICE OF LANGUAGE IN
THIS MORNING'S ANNOUNCEMENT OF CONGRESSIONAL
RECESS. STATEMENT WAS WRITTEN TO SHOW THAT
CONGRESS WAS RECESSED UNDER ARTICLE 182 (WHICH
SIMPLY GIVES AI-5 CONSTITUTIONAL STANDING) RATHER
THAN AI-5 ITSELF TO ENCOURAGE IMPRESSION THAT GOVERNMENT HAS

ORDINARY CONSTITUTIONAL RIGHT TO RECESS CONGRESS.

END COMMENT.

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Message Attributes

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